

Message Text

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12

ACTION DLOS-05

INFO OCT-01 ISO-00 NEA-09 IO-10 COA-01 L-02 INR-07 OES-03

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FM AMEMBASSY TEHRAN
TO SECSTATE WASHDC 03
USMISSION USUN NEW YORK

C O N F I D E N T I A L TEHRAN 0910

STADIS//////////

FOR STEVENSON AND MOORE FROM OXMAN

E.O. 11652: GDS
TAGS: PLOS
SUBJ: LOS - EVENSEN GROUP

1. EVENSEN INDICATED THAT NY MEETING WOULD DEAL WITH ECONOMIC ZONE
IN MORNINGS AND POLLUTION AND RESEARCH IN AFTERNOONS. EVENSEN
TENTATIVELY EXPECTS TO TAKE UP POLLUTION FIRST WEEK.

2. NEW TEXTS ON ECONOMIC ZONE AND POLLUTION BEING PROPOSED THIS
WEEK, HOPEFULLY FOR DISTRIBUTION AT END OF WEEK. FISHERIES TEXTS
FROM AUSTRALIA JUST RECEIVED BY VINDENESS. VISIT THUS VERY WELL
TIMED; RESULTS REMAIN TO BE SEEN.

3. DURING DISCUSSION DISPUTE SETTLEMENT, I STRESSED THAT REVIEW ON
FISHERIES QUESTIONS WOULD BE PARALLEL TO DOMESTIC COURT REVIEW OF
A REGULATORY AGENCY. COURT COULD NOT SUBSTITUTE ITS OWN VIEW OF
MOST REASONABLE REGULATIONS, BUT IN ESSENCE COULD ONLY DETERMINE
IF COASTAL STATE EXCEEDED ITS SCOPE OF DISCRETION: FRENCH ADMIN-
ISTRATIVE LAW CONCEPT OF "EXCES DE POUVOIR". EVENSEN SAID THIS
WAS EXTREMELY IMPORTANT POINT THAT WENT TO HEART OF THEIR ENTIRE
ATTITUDE ON CDS, AND AGREED TO TALK TO HANS ANDERSEN OF ICELAND
ABOUT THIS. EVENSEN GENERALLY AGREED ON SUITS BY PRIVATE PERSONS
WHERE CASE INVOLVES SEABED AUTHORITY OR RELEASE OF VESSEL, BUT
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SUGGESTED STATES BE REQUIRED TO ENFORCE JUDGMENT ON THEIR

NATIONALS.
MIKLOS

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